

REMARKS

Claims 1-8 and 10 are pending. Claim 1, 4, and 10 are herein amended. Applicant submits that the amendments do not add new material to the current Application. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment made is for the purpose of narrowing the scope of any claims, unless Applicant argues herein that only such amendment is made to distinguish over a particular reference or combination of references.

Claims 1-8 and 10 are patentable over Switkes (J. Vac Sci Technology) in view of Oikawa (5,707,784) under 35 U.S.C. 103(a).

Applicant respectfully submits that claims 1-8 and 10 are not obvious over Switkes and Oikawa. The Examiner has failed to make a *prima facie* case of obviousness. The combination is missing at least one element or feature of each claim.

For example, Switkes and Oikawa, together, are missing the element of a shield layer formed of a material having pH-dependent solubility, as stated in independent claims 1 and 6.

First, no support is provided in the Office Action as to how Switkes and Oikawa disclose this feature, which was originally a feature of claim 4, as required. For at least this reason, the rejection is improper. (MPEP 2143 "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.")

Second, Switkes and Oikawa, together, fail to disclose a shield layer having a pH-dependent solubility. Switkes fails to disclose a shield layer and Oikawa is silent as to its cover layer having a pH-dependent solubility.

For these reasons, the rejection should be withdrawn.

With respect to claims 6-8 and 10, Switkes and Oikawa, together, are also missing additional features, such as "a shield layer which...is over the top and sides of the photoresist layer," as stated in claim 6.

First, no support is provided in the Office Action as to how Switkes and Oikawa disclose this feature, as required. For at least this reason, the rejection is improper.

Second, Switkes and Oikawa, together, fail to disclose a shield layer which is over the top and sides of a photoresist layer. Oikawa only discloses forming its cover layer (3) over the top of the photoresist layer. Switkes also is silent on this feature. Hence, claim 6 and its dependencies are patentable over the cited references for an additional reason and the rejection should be withdrawn.

For at least the above reasons, the rejection should be withdrawn.

The Office Action contains numerous statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Freescale Semiconductor, Inc.
Law Department

Customer Number: 23125

By: /Kim-Marie Vo/_____
VO, KIM-MARIE
Attorney of Record
Reg. No.: 50,714
Telephone: (512) 996-6839
Fax No.: (512) 996-6854